

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO et
al.,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

ORDER DENYING MOTION FOR PERMISSION TO APPEAL IN FORMA PAUPERIS

The Court has received and reviewed the *Affidavit Accompanying Motion for Permission to Appeal In Forma Pauperis* (Docket Entry No. 18198 in Case No. 17-3283, the “Motion”), filed by the Obe E. Johnson, which the Court deems to be a motion for permission to appeal in forma pauperis with respect to Mr. Johnson’s appeal of the Court’s *Order Granting in Part and Denying in Part Obe E. Johnson’s Motion for Relief from the Automatic Stay* (Docket Entry No. 17184 in Case No. 17-3283).

The Motion states that the “issues on appeal” are “the los[s] of my company and a habeas corpus action for be[ing] illegally incarcerated.” That statement appears to identify the ultimate relief that Mr. Johnson seeks in certain civil proceedings, but fails to identify any non-frivolous argument on appeal of the Court’s order denying in part and granting in part Mr. Johnson’s motion for relief from the automatic stay. Accordingly, the Court certifies that Mr. Johnson’s appeal is not taken in good faith. See 28 U.S.C. § 1915(a)(3) (“An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.”); DuLaurence v. Telegen, No. 15-1537, 2016 WL 10454553, at *1 (1st Cir. Nov. 30, 2016)

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (“Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

(“Good faith for purposes of § 1915(a)(3) is judged by an objective standard; i.e., whether the litigant ‘seeks appellate review of any issue not frivolous.’”) (quoting Coppedge v. United States, 369 U.S. 438, 445 (1962)). The Motion is therefore denied.

This Order resolves Docket Entry No. 18198 in Case No. 17-3283.

SO ORDERED.

Dated: September 23, 2021

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge